DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Daniel R. Garodnick, *Director*
Department of City Planning

POSITIVE DECLARATION

Project Identification
Dewitt Clinton Park North (801 Eleventh Avenue & 629 West 54th Street)
CEQR No. 25DCP049M
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
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Name, Description and Location of Proposal:

Dewitt Clinton Park North (801 Eleventh Avenue & 629 West 54th Street)

The Applicants, 760 12th LLC and 801 11th Ave., LLC, are seeking zoning map amendments, zoning text amendments, and zoning special permits (collectively, the Proposed Actions) to facilitate the development of two buildings (collectively, the Proposed Projects): a 42-story, mixed-use residential and commercial building at 629 W 54th Street (Manhattan Block 1102, Lot 11) and a 38-story, mixed-use residential and commercial building at 801 Eleventh Avenue (Manhattan Block 1103, Lot 36). The building at 629 W 54th Street would contain up to approximately 617 dwelling units (DUs) and 113,990 gsf of commercial auto dealership space. The building at 801 Eleventh Avenue would contain 477 DUs and 85,760 gsf of commercial auto dealership space. In total, the Proposed Projects would contain approximately 1,179,321 gsf (892,442 zsf) including approximately 939,934 gsf (744,400 zsf) of residential floor area and 199,750 gsf (148,042 zsf) of commercial floor area across the two development sites. The Proposed Actions include zoning changes and special permits to facilitate a transfer of floor area from Piers 59, 60, 61, 81, 83, 98 and/or the Chelsea Piers headhouse (the "Granting Sites") within Hudson River Park to the Development Sites. In addition to the Proposed Actions, the Board of Directors of Hudson River Park Trust must approve the sale of the floor area from the Granting Sites, which requires a Signification Action process pursuant to the Hudson River Park Act.

The Proposed Actions would affect the Project Area, which comprises (i) the portion of Manhattan

Block 1102 bounded by Twelfth Avenue to the west, West 55th Street to the north, West 54th Street to the south, and a line parallel to and 175 feet east of Twelfth Avenue to the east (the "Project Area Southern Portion"), and (ii) the portion of Block 1103 bounded by Eleventh Avenue to the east, West 56th Street to the north, West 55th Street to the south, and a line parallel to and 150 feet west of Eleventh Avenue to the west (the "Project Area Northern Portion") and is in the Hell's Kitchen neighborhood of Manhattan Community District 4.

Within the Project Area, there are two development sites: (1) the property at 629 W 54th Street (Manhattan Block 1102, Lot 11, a.k.a. 629 W 54th Street) owned by 760 12th LLC ("Development Site 1") and (2) the property at 801 Eleventh Avenue (Manhattan Block 1103, Lot 36) owned by 801 11th Ave., LLC ("Development Site 2").

The Applicants are seeking the following actions with respect to the Project Area and Hudson River Park:

- Zoning map amendments to: (i) change the existing M2-4 (CL) district mapped over the Project Area Southern Portion to a C4-7 (CL) (HRP) district, (ii) change the existing M2-3 (CL) district mapped over the Project Area Northern Portion to a C4-7 (CL) (HRP) district, and (iii) map the Special HRP District on the portions of the areas to be designated as the Granting Sites within Hudson River Park that are not already mapped within the Special HRP District. Specifically, the proposed C4-7 (CL) (HRP) to be mapped over the Project Area Southern Portion would be bounded by Twelfth Avenue, West 55th Street, West 54th Street, and a line parallel to and 175 feet east of Twelfth Avenue. The proposed C4-7 (CL) (HRP) to be mapped over the Project Area Northern Portion would be bounded by Eleventh Avenue, West 56th Street, West 55th Street, and a line parallel to and 150 feet west of Eleventh Avenue.
- Zoning text amendments to the Zoning Resolution (ZR) of the City of New York, as amended:
    - To modify the Appendix of the Special Hudson River Park District in Article VIII, Chapter 9 to map the Project Area Southern Portion as "Area C5" and as a receiving site, to map the Project Area Northern Portion as "Area C4" and as a receiving site, and to correspondingly map granting sites within Hudson River Park as "Area C1," "Area C2," and "Area C3." The text amendment would amend ZR Section 89-02 to define Areas C1, C2 and C3 as granting sites and Areas C4 and C5 as receiving sites, and ZR Section 89-11 to include a paragraph to regulate development in the new Area C2 and Area C3.
    - To create a new ZR Section 89-13 to (a) establish special floor area regulations within the Project Area, and clarify that the overall maximum FAR is a 20 percent increase of the maximum FAR under the City's Mandatory Inclusionary Housing (MIH) program, and (b) allow the maximum residential FAR to exceed 12.0,
    - To modify ZR Section 89-11 to allow auto repair and the preparation of vehicles for delivery in connection with Use Group VI auto dealership uses.
    - To amend Appendix F of the Zoning Resolution to map a MIH area coterminous with the proposed C4-7 (CL) (HRP) districts.
- Zoning special permits pursuant to the City of New York's Zoning Resolution (ZR) Section 89-21 (Transfer of Floor Area from Hudson River Park) to transfer floor area from the Granting Sites in Hudson River Park to the Development Sites and modify certain bulk regulations, including modification of maximum base height restrictions, and tower

regulations. The proposed special permit would transfer approximately 84,349 zsf of unused development rights from the Granting Sites to Development Site 1, and approximately 64,392 zsf of unused development rights from the Granting Sites to Development Site 2 (equivalent to approximately 2.40 FAR on each Development Site).

The zoning map amendments, zoning text amendments, and special permits are referred to collectively as the "Proposed Actions". In addition to the Proposed Actions, the Board of Directors of Hudson River Park Trust must approve the sale of the floor area from the Granting Site. This approval requires a Signification Action process, as required by the Hudson River Park Act. In addition, the Applicants will seek separate Chairperson's Certifications pursuant to ZR Section 89-21(d) to allow building permits and certificates of occupancy to be issued for the Proposed Projects.

The Applicants intend to construct two buildings: a 42-story, mixed-use residential and commercial building on Development Site 1 and a 38-story, mixed-use residential and commercial building on Development Site 2 (collectively, the "Proposed Projects"). The building on Development Site 1 would contain a total of approximately 664,245 gsf (506,092 zsf), including up to approximately 529,581 gsf of residential space (617 DUs, of which 154-185 units would be designated as permanently affordable pursuant to MIH) and 113,990 gsf of commercial auto dealership space. The building on Development Site 2 would contain a total of approximately 515,076 gsf (386,350 zsf), including up to approximately 410,353 gsf of residential space (477 DUs, of which 119-143 units would be designated as permanently affordable pursuant to MIH) and 85,760 gsf of commercial auto dealership space.

The Project Area would also include an approximately 3,300-sf portion of the 10,800-sf, non-Applicant-owned Block 1103, Lot 23, which is adjacent to and directly southwest of Development Site 2 and occupied by a music venue. However, pursuant to the proposed text amendment, the existing M2-3 district regulations would continue to apply to the rezoned portion of Lot 23. Accordingly, no development would occur on Lot 23 as a result of the Proposed Actions.

The Build Year for the Proposed Actions is 2029.

Statement of Significant Effect:
On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following areas, and that an environmental impact statement will be required: land use, zoning and public policy; socioeconomic conditions; community facilities and services; open space; shadows; urban design and visual resources; hazardous materials; water and sewer infrastructure; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character and construction.

The Proposed Actions would not result in significant adverse impacts related to historic and cultural resources; solid waste and sanitation services; energy and natural resources.

Supporting Statement:
The above determination is based on an Environmental Assessment Statement prepared for the actions which finds that:

1. Land Use, Zoning and Public Policy – The Proposed Actions, including zoning map amendments, zoning text amendments, and zoning special permits and other discretionary actions would affect the land use, zoning, and public policies within the Project Area, including the City's Waterfront Revitalization Plan (WRP). Therefore, an assessment of land use, zoning, and public policy is warranted, and will be provided in the EIS.

2. Socioeconomic Conditions – The Proposed Actions would not have the potential to result in direct residential displacement, direct business displacement, indirect business displacement due to increased rents or retail market saturation, or adverse effects on specific industries. However, there is the potential for an impact related to indirect residential displacement, and therefore an analysis will be included in the EIS.

3. Community Facilities and Services – The Proposed Actions would not directly eliminate, displace, or alter public or publicly funded community facilities such as health care facilities, police stations, or fire stations. Therefore, the Proposed Actions do not warrant an analysis of direct effects on these community facilities. However, there is potential for an impact on publicly funded early childhood programs, libraries, and public schools and an analysis will be included in the EIS.

4. Open Space – The Proposed Actions would not directly affect existing open space resources. However, the Proposed Actions could introduce more than 200 incremental residents and more than 500 incremental workers. As these increments are above the *CEQR Technical Manual* thresholds, there is potential for an impact related to indirect effects on residential and non-residential open space and an analysis will be included in the EIS.

5. Shadows – The Proposed Actions would result in new structures greater than 50 feet in height that may cast shadows on publicly accessible open space resources, sunlight-sensitive historic resources, and natural resources in the area. Therefore, an assessment of the effects of shadows on these resources is warranted and will be included in the EIS.

6. Historic and Cultural Resources – There are no historic resource located on or adjacent to the Proposed Development Sites. Although development resulting from the Proposed Actions would result in new in-ground disturbance, the New York City Landmarks Preservation Commission (LPC) has confirmed there are no significant or sensitive archaeological resources located on the Development Sites. Therefore, the Proposed Actions would not have the potential to affect either archaeological or architectural resources, and no further analysis is warranted.

7. Urban Design and Visual Resources – The Proposed Actions would result in physical changes to the Project Area beyond what is currently permitted as-of-right. The Proposed Actions would result in physical changes to the Development Sites beyond those allowable by existing zoning and which could be observed by a pedestrian from street level. Therefore, an assessment of urban design and visual resources is warranted and will be included in the EIS.

8. Natural Resources – The Proposed Actions affect an area located in a developed urban environment that is generally devoid of ecologically sensitive areas and does not provide a

critical habitat supporting any rare, threatened, or endangered species. The Proposed Actions do not have the potential to create a significant adverse impact on natural resources, and no further analysis is warranted.

9. Hazardous Materials – The Proposed Actions would result in new construction including new in-ground excavation and subsurface disturbance, which, given historical site uses and conditions, has the potential to result in significant adverse impacts related to hazardous materials. Therefore, the EIS will include an assessment of hazardous materials at the Development Sites.

10. Water and Sewer Infrastructure – The Proposed Actions would result in an incremental increase of more than 1,000 residential units in a combined sewer area in Manhattan, which could place additional demands on infrastructure. Therefore, the EIS will include an assessment of water demand as well as wastewater and stormwater conveyance at the Development Sites.

11. Solid Waste and Sanitation Services – The Proposed Actions are not expected to generate more than 50 tons per week of solid waste and therefore would not result in significant impacts related to solid waste and sanitation services and no further analysis is warranted.

12. Energy – The Proposed Actions would not affect the transmission or generation of energy due to the minimal amount of consumption, and therefore a detailed energy assessment is not warranted.

13. Transportation – The Proposed Actions would increase the number of vehicular trips and increase ridership on mass transit facilities. The Proposed Actions would also affect pedestrian movements in the area due to the increased number of residents expected to be introduced to the area. Therefore, the Proposed Actions could result in significant adverse impacts on transportation and an analysis will be included in the EIS.

14. Air Quality – The Proposed Actions would result in an increased demand for heating, ventilating, and air conditioning (HVAC) as well as additional project-generated vehicle trips. An assessment is warranted to consider the potential air quality impacts from project-generated vehicle trips, as well as heat and hot water systems, and from existing industrial uses in the surrounding area on the new development resulting from the Proposed Actions. Therefore, the Proposed Actions have the potential to result in significant adverse air quality impacts, and an analysis will be included in the EIS.

15. Greenhouse Gas Emissions and Climate Change – The Proposed Actions would facilitate development that exceeds the *CEQR Technical Manual* threshold of 350,000 sf of development. The Proposed Actions could result in significant adverse greenhouse gas emissions impacts, and a screening analysis will be included in the EIS. Based on the project location within the current 500-year flood zone, a preliminary assessment of climate change is also warranted and will be included in the EIS.

16. Noise – The Proposed Actions could result in a significant impact on noise. The Proposed Actions would introduce new noise-sensitive receptors in an area with existing high

ambient noise levels. Additionally, the Proposed Actions would generate additional vehicular trips to and from the Project Area that could potentially impact existing and project-generated sensitive receptors within and in the vicinity of the Project Area. Therefore, the Proposed Actions have the potential to result in significant adverse noise impacts, and an analysis will be included in the EIS.

17. Public Health – A public health assessment may be warranted at the discretion of the lead agency if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise.

18. Neighborhood Character – an analysis of neighborhood character is warranted when a project has the potential to result in significant adverse impacts in any of the following technical areas: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise. In addition, an assessment may be warranted when there is a combination of moderate effects in these technical areas that, when considered together, may affect the defining elements of neighborhood character. Because the Proposed Actions have the potential to result in moderate effects in some of these technical areas and because there is the potential for significant adverse effects, a neighborhood character analysis is warranted and will be included in the EIS.

19. Construction – Construction resulting from the Proposed Actions is expected to last longer than two years; and may involve (i) the closing, narrowing, or otherwise impeding of traffic, transit, or pedestrian elements; (ii) construction activities taking place along an arterial highway; (iii) the construction of multiple buildings/sites, such that there is the potential for several construction timelines to overlap; and (iv) the operation of several pieces of diesel equipment at the development sites. Therefore, the Proposed Actions have the potential to result in significant adverse construction impacts, and additional analysis will be included in the EIS.

Public Scoping:
The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, January 30, 2025, at 2:00 PM. To continue to allow for broad public participation options, DCP will hold the public scoping meeting remotely. To join the meeting and comment, please visit NYC Engage (https://www1.nyc.gov/site/nycengage/events/index.page).

Written comments will be accepted by the lead agency through 5:00 PM, Monday, February 10, 2025.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact Andrew Martini, at amartini@planning.nyc.gov.

Evren Ulker-Kacar, AICP, Deputy Director
Environmental Assessment & Review Division
New York City Department of City Planning

December 30, 2024
Date